

21 C.J.S. Courts § 14

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

A. General Considerations

§ 14. Distinctions involving courts' jurisdiction—Particular-case jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

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Some courts recognize the necessity of considering whether the court also has "particular-case" jurisdiction, in addition to other broader bases of jurisdiction.

In addition to questions of subject matter jurisdiction and personal jurisdiction, some courts recognize the necessity of considering whether the court also has "particular-case" jurisdiction, meaning the competency of the court to render a particular judgment in a particular case.¹ Particular-case jurisdiction may be considered a subset of subject matter jurisdiction,² and under this rule, despite the court's subject matter jurisdiction in relation to a class of actions or cases,³ a court may lack authority to hear a particular case if a party fails to follow the statutory procedures for invoking the court's authority in that particular case.⁴ Under this view, subject matter jurisdiction is question of the court's jurisdiction in "this kind of case" as opposed to "this case."⁵ In other words, particular case jurisdiction is a matter of the narrow or limited fact situation before the court, instead of the broad general class of cases.⁶ Notably, while subject matter jurisdiction is generally not subject to, and cannot be conferred by, the parties' consent, agreement, waiver, or estoppel,⁷ some courts allow that "particular-case" jurisdiction is subject to waiver.⁸ Other jurisdictions, however, do not appear to recognize a distinction for "particular-case" jurisdiction and consider the question of the court's subject matter jurisdiction as one fully encompassing the question of the court's jurisdiction to determine a particular case.⁹

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Footnotes

- 1 Ill.—601 West 81st Street Corp. v. City of Chicago, 129 Ill. App. 3d 410, 84 Ill. Dec. 690, 472 N.E.2d 827 (1st Dist. 1984).
- Ind.—In re B.J.N., 19 N.E.3d 765 (Ind. Ct. App. 2014).
- Iowa—Cooper v. Kirkwood Community College, 782 N.W.2d 160, 257 Ed. Law Rep. 454 (Iowa Ct. App. 2010).
- Ky.—Basin Energy Co. v. Howard, 447 S.W.3d 179 (Ky. Ct. App. 2014).
- Mo.—Iowa Steel & Wire Co., Inc. v. Sheffield Steel Corp., 227 S.W.3d 549 (Mo. Ct. App. W.D. 2007).
- Ohio—Bank of Am., N.A. v. Kuchta, 141 Ohio St. 3d 75, 2014-Ohio-4275, 21 N.E.3d 1040 (2014).
- Question depends on particular facts**
- Ky.—Harrison v. Leach, 323 S.W.3d 702 (Ky. 2010).
- 2 Ky.—Hisle v. Lexington-Fayette Urban County Government, 258 S.W.3d 422 (Ky. Ct. App. 2008).
- 3 Ky.—Hisle v. Lexington-Fayette Urban County Government, 258 S.W.3d 422 (Ky. Ct. App. 2008).
- N.Y.—Burke v. Aspland, 56 A.D.3d 1001, 867 N.Y.S.2d 759 (3d Dep't 2008).
- 4 Iowa—State v. Emery, 636 N.W.2d 116 (Iowa 2001).
- 5 N.Y.—Burke v. Aspland, 56 A.D.3d 1001, 867 N.Y.S.2d 759 (3d Dep't 2008).
- Authority for "that particular case"**
- Iowa—Cooper v. Kirkwood Community College, 782 N.W.2d 160, 257 Ed. Law Rep. 454 (Iowa Ct. App. 2010).
- 6 Ky.—Hisle v. Lexington-Fayette Urban County Government, 258 S.W.3d 422 (Ky. Ct. App. 2008).
- 7 § 71.
- 8 § 95.
- 9 Mich.—People v. Lown, 488 Mich. 242, 794 N.W.2d 9 (2011).
- Minn.—In re Welfare of M.J.M., 766 N.W.2d 360 (Minn. Ct. App. 2009).
- Okla.—Cactus Drilling Co. v. Hefley, 2012 OK CIV APP 101, 290 P.3d 284 (Div. 1 2012).
- Pa.—Step Plan Services, Inc. v. Koresko, 12 A.3d 401 (Pa. Super. Ct. 2010).
- Tenn.—In re Baby, 447 S.W.3d 807 (Tenn. 2014).
- Tex.—Geldard v. Watson, 214 S.W.3d 202 (Tex. App. Texarkana 2007).